

105TH CONGRESS  
1ST SESSION

# S. 335

To authorize funds for construction of highways, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 1997

Mr. WARNER (for himself, Mr. GRAHAM, Mr. HOLLINGS, Mr. FAIRCLOTH, Mr. LUGAR, Mr. FORD, Mrs. HUTCHISON, Mr. INHOFE, Mr. NICKLES, Mr. BREAUX, Mr. HELMS, Mr. COATS, Mr. McCONNELL, Mr. SHELBY, Mr. BOND, Mr. THURMOND, Mr. SESSIONS, Mr. HUTCHINSON, Mr. GRAMM, Mr. ROBB, Mr. COVERDELL, Mr. CLELAND, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize funds for construction of highways, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “ISTEA Integrity Restoration Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Declaration of policy.
- Sec. 3. Authorization of appropriations.

- Sec. 4. National Highway System.
- Sec. 5. Eligibility of Interstate maintenance activities.
- Sec. 6. Streamlined surface transportation program.
- Sec. 7. Determinations of population and other apportionment factors.
- Sec. 8. Highway bridge replacement and rehabilitation activities.
- Sec. 9. Congestion mitigation and air quality improvement activities.
- Sec. 10. Apportionment adjustment program.
- Sec. 11. Repeal of set-asides for discretionary programs.
- Sec. 12. Technical correction to program administration set-aside.
- Sec. 13. Effective date; applicability; certain unobligated balances.

1 **SEC. 2. DECLARATION OF POLICY.**

2       Section 101 of title 23, United States Code, is  
 3 amended by striking subsection (b) and inserting the fol-  
 4 lowing:

5       “(b) DECLARATION OF POLICY.—Congress finds and  
 6 declares the following:

7               “(1) The Intermodal Surface Transportation  
 8 Efficiency Act of 1991 (Public Law 102–240) set in  
 9 motion a positive effort toward implementation of a  
 10 responsive transportation program designed to meet  
 11 a variety of national transportation needs by increas-  
 12 ing State and local flexibility, streamlining the pro-  
 13 gram structure, and rethinking the relationship  
 14 among the States and the metropolitan areas within  
 15 the States.

16               “(2) It is the policy of the United States to  
 17 build on the successes of that Act and to develop a  
 18 national intermodal transportation system that—

19                       “(A) is economically efficient and environ-  
 20 mentally sound;

1           “(B) provides the foundation for the Unit-  
2           ed States to compete in the global economy;  
3           and

4           “(C) will move people and goods in an en-  
5           ergy efficient manner.

6           “(3) The national intermodal transportation  
7           system shall consist of all forms of transportation in  
8           a unified, interconnected manner, including the  
9           transportation systems of the future, to reduce en-  
10          ergy consumption and air pollution while promoting  
11          economic development and supporting the Nation’s  
12          preeminent position in international commerce.

13          “(4) The national intermodal transportation  
14          system shall provide improved access to ports and  
15          airports, the Nation’s link to world commerce.

16          “(5) The national intermodal transportation  
17          system shall be the centerpiece of a national invest-  
18          ment commitment to create the new wealth of the  
19          United States for the 21st century.

20          “(6) The National Highway System is the foun-  
21          dation for the Nation’s unified, connected transpor-  
22          tation system. National policy for the National  
23          Highway System should be broadly focused, consid-  
24          ering all vital economic and mobility resources.

1           “(7) The national policy will direct our common  
2           resources toward preservation and management of  
3           our present transportation infrastructure. National  
4           surface transportation policy should be directed to-  
5           ward maintaining a safe, mobile, and economically  
6           competitive transportation system for, and ensuring  
7           the national security of, the United States.

8           “(8) While the National Highway System links  
9           the United States to provide enhanced economic and  
10          social mobility, the surface transportation needs of  
11          each State and region differ greatly. The national  
12          intermodal transportation system should focus on  
13          the fundamental needs of the Nation’s transpor-  
14          tation network, while refraining from prescribing the  
15          form of that network for all parts of the country.

16          “(9) The national surface transportation policy  
17          must provide sufficient flexibility for States and lo-  
18          calities to respond to diverse local needs.

19          “(10) National funding for surface transpor-  
20          tation should be based on current, reasonable, and  
21          appropriate revenue distribution formulas. Appro-  
22          priate and adequate funding will enhance the ability  
23          of all States to meet common goals in safety, mobil-  
24          ity, and economic development.”.

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—For the purpose of carrying out  
3 title 23, United States Code, the following sums are au-  
4 thorized to be appropriated out of the Highway Trust  
5 Fund (other than the Mass Transit Account):

6 (1) NATIONAL HIGHWAY SYSTEM.—For the Na-  
7 tional Highway System under section 103 of title  
8 23, United States Code, \$10,174,424,000 for each  
9 of fiscal years 1998 through 2002.

10 (2) SURFACE TRANSPORTATION PROGRAM.—  
11 For the surface transportation program under sec-  
12 tion 133 of that title \$15,261,636,000 for each of  
13 fiscal years 1998 through 2002.

14 (3) FEDERAL LANDS HIGHWAYS PROGRAM.—

15 (A) INDIAN RESERVATION ROADS.—For  
16 Indian reservation roads under section 204 of  
17 that title \$245,700,000 for each of fiscal years  
18 1998 through 2002.

19 (B) PUBLIC LANDS HIGHWAYS.—For pub-  
20 lic lands highways under section 204 of that  
21 title \$213,700,000 for each of fiscal years 1998  
22 through 2002.

23 (C) PARKWAYS AND PARK ROADS.—For  
24 parkways and park roads under section 204 of  
25 that title \$104,520,000 for each of fiscal years  
26 1998 through 2002.

1 (b) OBLIGATION LIMITATIONS.—

2 (1) IN GENERAL.—Except as provided in para-  
 3 graph (2), notwithstanding any other provision of  
 4 law, any limitation on obligations established for any  
 5 of fiscal years 1998 through 2002 for funds appor-  
 6 tioned or allocated from the Highway Trust Fund  
 7 (other than the Mass Transit Account) shall apply  
 8 to all such apportionments and allocations, unless  
 9 the provision of law establishing the limitation spe-  
 10 cifically amends or limits the applicability of this  
 11 paragraph.

12 (2) EMERGENCY RELIEF.—Any limitation on  
 13 obligations described in paragraph (1) shall not  
 14 apply to any allocation made under section 125 of  
 15 title 23, United States Code.

16 **SEC. 4. NATIONAL HIGHWAY SYSTEM.**

17 (a) DEFINITIONS.—Section 101(a) of title 23, United  
 18 States Code, is amended—

19 (1) by adding at the end the following:

20 “The term ‘highway funds’ means, with respect to a  
 21 fiscal year, the funds apportioned and allocations author-  
 22 ized by the ISTEA Integrity Restoration Act and this title  
 23 to a State for the fiscal year, and the funds administra-  
 24 tively allocated to a State for the preceding fiscal year (if

1 any), for Federal-aid highways and highway safety con-  
 2 struction (other than funds made available for emergency  
 3 relief under section 125 and for the Federal lands high-  
 4 ways program under section 204).”; and

5 (2) by reordering the undesignated paragraphs  
 6 so that they are in alphabetical order.

7 (b) APPORTIONMENTS.—Section 104(b) of title 23,  
 8 United States Code, is amended by striking paragraph (1)  
 9 and inserting the following:

10 “(1) NATIONAL HIGHWAY SYSTEM.—For the  
 11 National Highway System,  $\frac{1}{3}$  percent to the Virgin  
 12 Islands, Guam, American Samoa, and the Common-  
 13 wealth of the Northern Mariana Islands and the re-  
 14 maining  $99\frac{2}{3}$  percent apportioned as follows:

15 “(A) In the case of a State with an aver-  
 16 age population density of 20 persons or fewer  
 17 per square mile, or in the case of a State with  
 18 a population of 1,500,000 persons or fewer and  
 19 with a land area of 10,000 square miles or less,  
 20 the greater of—

21 “(i) a percentage share of appor-  
 22 tionments equal to the percentage specified for  
 23 the State in section 157(d); or

24 “(ii) a share determined under sub-  
 25 paragraph (B).

“(B) Subject to subparagraph (A), in the case of any State for which the percentage share is not determined under subparagraph (A)(i), a share of the remaining apportionments determined in accordance with the following formula:

“(i)  $\frac{1}{9}$  of the apportionments in the ratio that—

“(I) the total rural lane miles in each State; bears to

“(II) the total rural lane miles in all States for which the percentage share is not determined under subparagraph (A)(i).

“(ii)  $\frac{1}{9}$  of the apportionments in the ratio that—

“(I) the total rural vehicle miles traveled in each State; bears to

“(II) the total rural vehicle miles traveled in all States for which the percentage share is not determined under subparagraph (A)(i).

“(iii)  $\frac{2}{9}$  of the apportionments in the ratio that—



1 “(I) the total urban lane miles in  
2 each State; bears to

3 “(II) the total urban lane miles  
4 in all States for which the percentage  
5 share is not determined under sub-  
6 paragraph (A)(i).

7 “(iv)  $\frac{2}{9}$  of the apportionments in the  
8 ratio that—

9 “(I) the total urban vehicle miles  
10 traveled in each State; bears to

11 “(II) the total urban vehicle  
12 miles traveled in all States for which  
13 the percentage share is not deter-  
14 mined under subparagraph (A)(i).

15 “(v)  $\frac{3}{9}$  of the apportionments in the  
16 ratio that—

17 “(I) the total diesel fuel used on  
18 highways in each State; bears to

19 “(II) the total diesel fuel used on  
20 highways in all States for which the  
21 percentage share is not determined  
22 under subparagraph (A)(i).”.

23 (c) BRIDGES AS ELIGIBLE PROJECTS.—Section  
24 103(i) of title 23, United States Code, is amended by add-  
25 ing at the end the following:

1           “(14) Construction, reconstruction, resurfacing,  
2           restoration, and rehabilitation of bridges on seg-  
3           ments of the National Highway System.”.

4   **SEC. 5. ELIGIBILITY OF INTERSTATE MAINTENANCE AC-**  
5                           **TIVITIES.**

6           (a) ELIMINATION OF APPORTIONMENTS.—Section  
7   104(b) of title 23, United States Code, is amended by  
8   striking paragraph (5).

9           (b) FUNDING OF ACTIVITIES.—Section 119 of title  
10 23, United States Code, is amended—

11           (1) in the section heading, by striking “**pro-**  
12           **gram**” and inserting “**activities**”;

13           (2) in subsection (a)—

14                   (A) in the first sentence—

15                           (i) by striking “sections 103 and  
16                           139(c) of this title and routes on the Inter-  
17                           state System designated before the date of  
18                           enactment of this sentence under section  
19                           139 (a) and (b) of”; and

20                           (ii) by striking “subsection (e)” and  
21                           inserting “subsection (d)”; and

22                   (B) by striking the second sentence and in-  
23                   serting the following: “Projects approved under  
24                   the preceding sentence shall be carried out

1 using funds apportioned in accordance with  
 2 paragraphs (1) and (3) of section 104(b).”;

3 (3) in subsection (b), by striking the third sen-  
 4 tence and all that follows;

5 (4) by striking subsections (d), (f), and (g); and

6 (5) by redesignating subsection (e) as sub-  
 7 section (d).

8 (c) CONFORMING AMENDMENTS.—

9 (1) The analysis for chapter 1 of title 23, Unit-  
 10 ed States Code, is amended by striking the item re-  
 11 lating to section 119 and inserting the following:

“119. Interstate maintenance activities.”.

12 (2) Section 104 of title 23, United States Code,  
 13 is amended—

14 (A) in the first sentence of subsection (a),  
 15 by striking “the National Highway System, and  
 16 the Interstate System” and inserting “and the  
 17 National Highway System”;

18 (B) in the matter preceding paragraph (1)  
 19 of subsection (b)—

20 (i) by striking “except as provided in  
 21 paragraph (5)(A) of this subsection”; and

22 (ii) by striking “the National Highway  
 23 System, and the Interstate System” and  
 24 inserting “and the National Highway Sys-  
 25 tem”; and

1 (C) in subsection (e)—

2 (i) in the first sentence, by striking  
3 “(other than under subsection (b)(5) of  
4 this section)”;

5 (ii) in the second sentence, by striking  
6 “the sums which he has apportioned under  
7 subsection (b)(5) of this section to each  
8 State for such fiscal year, and also” and

9 (iii) in the last sentence, by striking “,  
10 except that in the case of the Interstate  
11 System the Secretary shall advise each  
12 State ninety days prior to the apporportion-  
13 ment of such funds”.

14 (3) Section 115(b)(1) of title 23, United States  
15 Code, is amended by striking “or 104(b)(5), as the  
16 case may be,”.

17 (4) Section 137(f)(1) of title 23, United States  
18 Code, is amended by striking “section 104(b)(5)(B)  
19 of this title” and inserting “section 104(b)(3)”.

20 (5) Section 139 of title 23, United States Code,  
21 is amended by striking “sections 104(b)(1) and  
22 104(b)(5)(B) of this title” each place it appears and  
23 inserting “section 104(b)(1)”.

24 (6) Section 141(c) of title 23, United States  
25 Code, is amended by inserting “(as in effect on the

1 day before the date of enactment of the ISTEА In-  
 2 tegrity Restoration Act)” after “section 104(b)(5) of  
 3 this title” each place it appears.

4 (7) Section 142(c) of title 23, United States  
 5 Code, is amended by striking “(other than section  
 6 104(b)(5)(A))”.

7 (8) Section 158 of title 23, United States Code,  
 8 is amended—

9 (A) in subsection (a), by inserting “(as in  
 10 effect on the day before the date of enactment  
 11 of the ISTEА Integrity Restoration Act)” after  
 12 “104(b)(5)” each place it appears; and

13 (B) by striking subsection (b) and insert-  
 14 ing the following:

15 “(b) EFFECT OF WITHHOLDING OF FUNDS.—No  
 16 funds withheld under this section from apportionment to  
 17 any State after September 30, 1988, shall be available for  
 18 apportionment to that State.”.

19 (9) Section 159 of title 23, United States Code,  
 20 is amended—

21 (A) by striking “(5) of” each place it ap-  
 22 pears and inserting “(5) (as in effect on the  
 23 day before the date of enactment of the ISTEА  
 24 Integrity Restoration Act) of”; and

25 (B) in subsection (b)—

1 (i) in paragraph (1)(A)—

2 (I) in clause (i), by striking “sec-  
3 tion 104(b)(5)(A)” and inserting “sec-  
4 tion 104(b)(5)(A) (as in effect on the  
5 day before the date of enactment of  
6 the ISTEА Integrity Restoration  
7 Act)”; and

8 (II) in clause (ii), by striking  
9 “section 104(b)(5)(B)” and inserting  
10 “section 104(b)(5)(B) (as in effect on  
11 the day before the date of enactment  
12 of the ISTEА Integrity Restoration  
13 Act)”; and

14 (ii) in paragraph (3)—

15 (I) in subparagraph (A), by strik-  
16 ing “section 104(b)(5)(A)” and insert-  
17 ing “section 104(b)(5)(A) (as in effect  
18 on the day before the date of enact-  
19 ment of the ISTEА Integrity Restora-  
20 tion Act)”; and

21 (II) in subparagraph (B), by  
22 striking “(5)(B)” and inserting  
23 “(5)(B) (as in effect on the day before  
24 the date of enactment of the ISTEА  
25 Integrity Restoration Act)”; and

1 (III) in the last sentence, by  
 2 striking “section 104(b)(5)” and in-  
 3 serting “section 104(b)(5) (as in ef-  
 4 fect on the day before the date of en-  
 5 actment of the ISTEA Integrity Res-  
 6 toration Act)”; and

7 (iii) in paragraph (4), by striking  
 8 “section 104(b)(5)” and inserting “section  
 9 104(b)(5) (as in effect on the day before  
 10 the date of enactment of the ISTEA Integ-  
 11 rity Restoration Act)”.

12 (10) Section 161(a) of title 23, United States  
 13 Code, is amended by striking “paragraphs (1), (3),  
 14 and (5)(B) of section 104(b)” each place it appears  
 15 and inserting “paragraphs (1) and (3) of section  
 16 104(b)”.

17 (11) Section 1009 of the Intermodal Surface  
 18 Transportation Efficiency Act of 1991 (23 U.S.C.  
 19 119 note; 105 Stat. 1933) is amended by striking  
 20 subsection (c).

21 (12) Section 31314 of title 49, United States  
 22 Code, is amended—

23 (A) in subsections (a) and (b), by striking  
 24 “(5),” each place it appears and inserting “(5)

(as in effect on the day before the date of enactment of the ISTEA Integrity Restoration Act),”;

(B) in subsection (c)(1)(A), by inserting “(as in effect on the day before the date of enactment of the ISTEA Integrity Restoration Act)” after “section 104(b)(5)(B) of title 23”; and

(C) in each of subsections (d)(2) and (e), by inserting “(as in effect on the day before the date of enactment of the ISTEA Integrity Restoration Act)” after “section 104(b)(5) of title 23”.

**SEC. 6. STREAMLINED SURFACE TRANSPORTATION PROGRAM.**

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “bridges (including bridges on public roads of all functional classifications),” and inserting “bridges on the Federal-aid system and bridges off the Federal-aid system,”; and

(B) by adding at the end the following:



1           “(12) With respect to each area of a State that  
 2           is a nonattainment area under the Clean Air Act (42  
 3           U.S.C. 7401 et seq.) for ozone or carbon monoxide,  
 4           or for particulate matter with an aerodynamic diam-  
 5           eter smaller than or equal to 10 micrometers (known  
 6           as ‘PM-10’) resulting from transportation activities,  
 7           or for any combination of these substances, for any  
 8           congestion mitigation and air quality improvement  
 9           project or program without regard to any limitation  
 10          of the Department of Transportation relating to the  
 11          type of ambient air quality standard addressed by  
 12          the project or program.”;

13           (2) in subsection (c), by striking “unless such  
 14          roads are on a Federal-aid highway system on Janu-  
 15          ary 1, 1991, and”;

16           (3) in subsection (d)—

17                   (A) by striking paragraphs (1) and (2) and  
 18           inserting the following:

19           “(1) FOR TRANSPORTATION ENHANCEMENT AC-  
 20          TIVITIES.—For each fiscal year, a State shall allo-  
 21          cate for transportation enhancement activities an  
 22          amount of the funds available for obligation under  
 23          section 104(b)(3) determined by multiplying—

1           “(A) the amount of the funds required to  
 2           be allocated for transportation enhancement ac-  
 3           tivities under the Intermodal Surface Transpor-  
 4           tation Efficiency Act of 1991 (Public Law 102–  
 5           240) for fiscal year 1995; by

6           “(B) the amount determined by dividing—

7                   “(i) the highway funds of the State  
 8                   for the fiscal year; by

9                   “(ii) the highway funds of the State  
 10                  for fiscal year 1995.”;

11           (B) by redesignating paragraphs (3)  
 12           through (5) as paragraphs (2) through (4), re-  
 13           spectively;

14           (C) in paragraph (2) (as so redesign-  
 15           ated)—

16                   (i) by striking subparagraph (A) and  
 17                   inserting the following:

18           “(A) GENERAL RULE.—Except as provided  
 19           in subparagraph (C), for each fiscal year, a  
 20           State shall allocate for use in each area of the  
 21           State with an urbanized area population of over  
 22           200,000 persons an amount of the funds avail-  
 23           able for obligation under section 104(b)(3) for  
 24           the fiscal year determined by multiplying—

1 “(i) the amount of funds required to  
 2 be allocated for use in those areas under  
 3 the Intermodal Surface Transportation Ef-  
 4 ficiency Act of 1991 (Public Law 102–  
 5 240) for fiscal year 1997; by

6 “(ii) the amount determined by divid-  
 7 ing—

8 “(I) the highway funds of the  
 9 State for the fiscal year; by

10 “(II) the highway funds of the  
 11 State for fiscal year 1997.”;

12 (ii) in subparagraph (B), by striking  
 13 “subparagraph (A)(ii)” and inserting “this  
 14 section”;

15 (iii) by striking subparagraph (C) and  
 16 inserting the following:

17 “(C) SPECIAL RULE FOR CERTAIN  
 18 STATES.—Subparagraph (A) shall not apply in  
 19 the case of a State—

20 “(i) in which greater than 80 percent  
 21 of the population of the State is located in  
 22 1 or more metropolitan statistical areas  
 23 and greater than 80 percent of the land  
 24 area of the State is owned by the United  
 25 States; or

- 1 “(ii) that is noncontiguous with the
- 2 continental United States.”;
- 3 (iv) by striking subparagraph (D);
- 4 (v) by redesignating subparagraph (E)
- 5 as subparagraph (D); and
- 6 (vi) in subparagraph (D) (as so reded-
- 7 igned)—
- 8 (I) by striking “obligate” each
- 9 place it appears and inserting “allo-
- 10 cate”;
- 11 (II) by striking “(A)(i)” each
- 12 place it appears and inserting “(A)”;
- 13 and
- 14 (III) by striking “obligated” and
- 15 inserting “allocated”; and
- 16 (D) in paragraph (4)(A) (as redesignated
- 17 by subparagraph (B)), by striking “paragraph
- 18 (2)” and inserting “paragraph (1)”;
- 19 (4) in subsection (e)—
- 20 (A) by striking paragraph (1);
- 21 (B) by redesignating paragraphs (2)
- 22 through (5) as paragraphs (1) through (4), re-
- 23 spectively;

1 (C) by striking “subsection (d)(2)” each  
2 place it appears and inserting “subsection  
3 (d)(1)”; and

4 (D) by striking paragraph (1) (as redesign-  
5 nated by subparagraph (B)) and inserting the  
6 following:

7 “(1) CERTIFICATION.—

8 “(A) IN GENERAL.—Before the beginning  
9 of each fiscal year, to be eligible for payments  
10 under this section, the Governor of each  
11 State—

12 “(i) shall certify to the Secretary that  
13 the State will meet all the requirements of  
14 this section; and

15 “(ii) shall notify the Secretary that  
16 the amount of obligations expected to be  
17 incurred for each surface transportation  
18 program project during the fiscal year is in  
19 accordance with each survey, plan, speci-  
20 fication, and estimate for the proposed  
21 project as included in the surface transpor-  
22 tation program category in the transpor-  
23 tation improvement program of the State  
24 developed under section 135(f) for the fis-  
25 cal year.

1           “(B) ADJUSTMENTS.—A State may re-  
 2           quest an adjustment to an obligation amount  
 3           referred to in subparagraph (A)(ii) later in the  
 4           fiscal year.

5           “(C) EFFECT OF ACCEPTANCE.—Accept-  
 6           ance by the Secretary of the notification and  
 7           certification under subparagraph (A) shall be  
 8           deemed to be acceptance by the United States  
 9           of a contractual obligation to pay the Federal  
 10          share of surface transportation program costs  
 11          incurred by the State for projects not subject to  
 12          review by the Secretary under this chapter.”;  
 13          and  
 14          (5) in subsection (f)—

15                (A) by striking “6-fiscal year period 1992  
 16                through 1997” and inserting “5-fiscal year pe-  
 17                riod 1998 through 2002”; and

18                (B) by striking “and highway safety con-  
 19                struction” each place it appears.

20          (b) APPORTIONMENTS.—Section 104(b) of title 23,  
 21          United States Code, is amended by striking paragraph (3)  
 22          and inserting the following:

23                “(3) SURFACE TRANSPORTATION PROGRAM.—  
 24          For the surface transportation program—

“(A) in the case of a State with an average population density of 20 persons per square mile or fewer, or in the case of a State with a population of 1,500,000 persons or fewer and a land area of 10,000 square miles or less, the greater of—

“(i) a percentage share of apportionments equal to the percentage specified for the State in section 157(d); or

“(ii) a share determined under subparagraph (B); and

“(B) subject to subparagraph (A), in the case of any State for which the percentage share is not determined under subparagraph (A)(i), a percentage share of the remaining apportionments equal to the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 134(i)(5) of title 23, United States Code, is amended by striking “section 133(d)(3)”

(2) Section 5305(e)(2) of title 49, United States Code, is amended in the first sentence by striking “section 133(d)(3) of title 23” and inserting “section 133(d)(2) of title 23”.

9       Section 104 of title 23, United States Code, is  
10   amended by adding at the end the following:

“(k) POPULATION DETERMINATIONS.—For the purposes of paragraphs (1) and (3) of subsection (b), population shall be determined on the basis of the most recent estimates prepared by the Secretary of Commerce.

15           “(1) DETERMINATIONS OF OTHER APPORTIONMENT  
16 FACTORS.—For the purposes of paragraphs (1) and (3)  
17 of subsection (b), apportionment factors shall be deter-  
18 mined on the basis of the most recent data certified by  
19 the Secretary.”.

22 (a) REPEAL OF PROGRAM.—Section 144 of title 23,  
23 United States Code, is repealed.

24 (b) CONFORMING AMENDMENTS.—



1           (1) The analysis for chapter 1 of title 23, Unit-  
2           ed States Code, is amended by striking the item re-  
3           lating to section 144.

4           (2) Section 104(g) of title 23, United States  
5           Code, is amended—

6                 (A) in the first sentence, by striking “,  
7                 144,”; and

8                 (B) by striking the third and fourth sen-  
9                 tences.

10          (3) Section 115 of title 23, United States Code,  
11          is amended—

12                 (A) in subsection (a)—

13                         (i) in the subsection heading, by strik-  
14                         ing “BRIDGE,”; and

15                         (ii) in paragraph (1)(A)(i), by striking  
16                         “144,”; and

17                 (B) in subsection (c), by striking “144,”.

18          (4) Section 120(e) of title 23, United States  
19          Code, is amended in the last sentence by striking  
20          “and in section 144 of this title”.

21          (5) Sections 134(i)(4) and 135(f)(3) of title 23,  
22          United States Code, are amended by striking “pur-  
23          suant to the bridge and Interstate maintenance pro-  
24          grams” each place it appears and inserting “Inter-  
25          state maintenance activities under section 119”.

1           (6) Section 140(b) of title 23, United States  
2       Code, is amended in the last sentence by striking  
3       “and the bridge program under section 144”.

4           (7) Section 151(d) of title 23, United States  
5       Code, is amended by striking “section 104(a), sec-  
6       tion 307(a), and section 144 of this title” and in-  
7       serting “sections 104(a) and 307(a)”.

8           (8) Section 204(c) of title 23, United States  
9       Code, is amended in the first sentence by striking  
10      “or section 144 of this title”.

11          (9) Section 303(g) of title 23, United States  
12      Code, is amended by striking “and funds appor-  
13      tioned under section 144 of this title for developing  
14      and establishing the bridge management system re-  
15      quired by this section”.

16          (10) Section 307 of title 23, United States  
17      Code, is amended—

18           (A) in subsection (c)(1), by striking “sec-  
19           tions 104 and 144 of this title” and inserting  
20           “section 104”; and

21           (B) in the second sentence of subsection  
22           (e)(4)(A), by striking “which are being replaced  
23           or rehabilitated under section 144 of this title”.

24          (11) Section 409 of title 23, United States  
25      Code, is amended by striking “, 144,”.

1 **SEC. 9. CONGESTION MITIGATION AND AIR QUALITY IM-**  
 2 **PROVEMENT ACTIVITIES.**

3 (a) **ELIMINATION OF APPORTIONMENTS.**—Section  
 4 104(b) of title 23, United States Code, is amended by  
 5 striking paragraph (2).

6 (b) **REPEAL OF PROGRAM.**—Section 149 of title 23,  
 7 United States Code, is repealed.

8 (c) **CONFORMING AMENDMENTS.**—

9 (1) The analysis for chapter 1 of title 23, Unit-  
 10 ed States Code, is amended by striking the item re-  
 11 lating to section 149.

12 (2) Section 104 of title 23, United States Code,  
 13 is amended in the first sentence of subsection (a),  
 14 and in the matter preceding paragraph (1) of sub-  
 15 section (b), by striking “, the congestion mitigation  
 16 and air quality improvement program,”.

17 (3) Section 115(a) of title 23, United States  
 18 Code, is amended—

19 (A) in the subsection heading, by striking  
 20 “CONGESTION MITIGATION AND AIR QUALITY  
 21 IMPROVEMENT,”; and

22 (B) in paragraph (1)(A)(i), by striking  
 23 “104(b)(2),”.

24 (4) Section 117(e) of title 23, United States  
 25 Code, is amended by striking “section 133, and sec-  
 26 tion 149” and inserting “or section 133”.

1           (5) Section 217 of title 23, United States Code,  
2       is amended—

3           (A) in subsection (a)—

4               (i) in the subsection heading, by strik-  
5       ing “STP AND CONGESTION MITIGATION  
6       PROGRAM” and inserting “SURFACE  
7       TRANSPORTATION PROGRAM”; and

8               (ii) by striking “sections 104(b)(2)  
9       and 104(b)(3) of this title” and inserting  
10      “section 104(b)(3)”; and

11          (B) in subsection (d), by striking “sections  
12      104(b)(2) and 104(b)(3) of this title” and in-  
13      serting “section 104(b)(3)”.

14          (6) Section 303(g) of title 23, United States  
15      Code, is amended by striking “, (b)(2),”.

16          (7) Section 31314 of title 49, United States  
17      Code, is amended by striking “(2),” each place it ap-  
18      pears and inserting “(2) (as in effect on the day be-  
19      fore the date of enactment of the ISTEA Integrity  
20      Restoration Act),”.

21          (8) Section 355(c) of the National Highway  
22      System Designation Act of 1995 (Public Law 104–  
23      59; 109 Stat. 624) is amended by striking “(b)(2),”  
24      and inserting “(b)(2) (as in effect on the day before

1 the date of enactment of the ISTEA Integrity Res-  
 2 toration Act and in the case of succeeding fiscal  
 3 years 1996 and 1997),”.

4 **SEC. 10. APPORTIONMENT ADJUSTMENT PROGRAM.**

5 (a) IN GENERAL.—

6 (1) PROGRAM.—Section 157 of title 23, United  
 7 States Code, is amended to read as follows:

8 **“§ 157. Apportionment adjustment program**

9 “(a) IN GENERAL.—On October 1 (or as soon as  
 10 practicable thereafter) of fiscal year 1998 and each fiscal  
 11 year thereafter, the Secretary shall apportion among the  
 12 States additional amounts sufficient to ensure that the  
 13 ratio of the highway funds of the State to the highway  
 14 funds of all States for the fiscal year is not less than the  
 15 percentage specified for the State in subsection (d).

16 “(b) ADDITIONAL APPORTIONMENTS.—In addition to  
 17 any amount required to be apportioned by subsection (a)  
 18 for a fiscal year, a State shall receive additional appor-  
 19 tionments so that each State’s percentage of highway funds  
 20 for the fiscal year is not less than 95 percent of the per-  
 21 centage of estimated tax payments attributable to highway  
 22 users in the State paid into the Highway Trust Fund  
 23 (other than the Mass Transit Account) in the latest fiscal  
 24 year for which data are available.

25 “(c) REQUIREMENT.—

1           “(1) IN GENERAL.—Any increase in apportion-  
 2           ments necessary to comply with subsection (a) or (b)  
 3           shall be carried out so that the ratio of—

4                   “(A) the highway funds of each State with  
 5                   an average population density of 20 persons per  
 6                   square mile or fewer or each State with a popu-  
 7                   lation of 1,500,000 persons or fewer and a land  
 8                   area of 10,000 square miles or less; to

9                   “(B) the highway funds of all States;  
 10           for the fiscal year is not less than the percentage  
 11           share specified for the State in subsection (d).

12           “(2) POPULATION DETERMINATIONS.—For the  
 13           purpose of this subsection, population shall be deter-  
 14           mined on the basis of the most recent estimates pre-  
 15           pared by the Secretary of Commerce.

16           “(d) STATE PERCENTAGES.—The percentage re-  
 17           ferred to in subsection (a) for each State shall be deter-  
 18           mined in accordance with the following table:

<b>“States:</b>	<b>Adjustment percentage</b>
Alabama .....	2.02
Alaska .....	1.24
Arizona .....	1.68
Arkansas .....	1.32
California .....	9.81
Colorado .....	1.23
Connecticut .....	1.00
Delaware .....	0.40
District of Columbia .....	0.52
Florida .....	4.77
Georgia .....	3.60
Hawaii .....	0.55
Idaho .....	0.70
Illinois .....	3.71
Indiana .....	2.63

<b>“States:</b>	<b>Adjustment percentage</b>
Iowa .....	1.13
Kansas .....	1.10
Kentucky .....	1.91
Louisiana .....	1.63
Maine .....	0.50
Maryland .....	1.64
Massachusetts .....	1.68
Michigan .....	3.34
Minnesota .....	1.56
Mississippi .....	1.23
Missouri .....	2.45
Montana .....	0.95
Nebraska .....	0.73
Nevada .....	0.67
New Hampshire .....	0.48
New Jersey .....	2.28
New Mexico .....	1.05
New York .....	4.27
North Carolina .....	2.83
North Dakota .....	0.63
Ohio .....	3.77
Oklahoma .....	1.55
Oregon .....	1.23
Pennsylvania .....	4.12
Puerto Rico .....	0.50
Rhode Island .....	0.55
South Carolina .....	1.63
South Dakota .....	0.70
Tennessee .....	2.30
Texas .....	7.21
Utah .....	0.71
Vermont .....	0.43
Virginia .....	2.61
Washington .....	1.75
West Virginia .....	0.76
Wisconsin .....	1.91
Wyoming .....	0.66

1       “(e) TERMS AND CONDITIONS.—Amounts appor-  
2       tioned in accordance with subsections (a) and (b)—

3               “(1) shall be available for obligation, when allo-  
4       cated, for the year authorized and the 3 following  
5       fiscal years;

6               “(2) shall be subject to this title; and

1           “(3) may be obligated for National Highway  
2           System projects under section 103, surface transpor-  
3           tation program projects under section 133, or any  
4           other purpose authorized under this title.

5           “(f) APPORTIONMENTS.—There are authorized to be  
6           appropriated out of the Highway Trust Fund (other than  
7           the Mass Transit Account) to carry out this section such  
8           sums as are necessary for fiscal year 1998 and each fiscal  
9           year thereafter.”.

10           (2) CONFORMING AMENDMENT.—The analysis  
11           for chapter 1 of title 23, United States Code, is  
12           amended by striking the item relating to section 157  
13           and inserting the following:

“157. Apportionment adjustment program.”.

14           (b) REPEAL OF REIMBURSEMENT FOR SEGMENTS OF  
15           THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FED-  
16           ERAL ASSISTANCE.—

17           (1) IN GENERAL.—Section 160 of title 23,  
18           United States Code, is repealed.

19           (2) CONFORMING AMENDMENT.—The analysis  
20           for chapter 1 of title 23, United States Code, is  
21           amended by striking the item relating to section  
22           160.



1 **SEC. 11. REPEAL OF SET-ASIDES FOR DISCRETIONARY PRO-**  
 2 **GRAMS.**

3 Section 118 of title 23, United States Code, is  
 4 amended—

5 (1) by striking subsection (c); and

6 (2) by redesignating subsections (d), (e), and  
 7 (f) as subsections (c), (d), and (e), respectively.

8 **SEC. 12. TECHNICAL CORRECTION TO PROGRAM ADMINIS-**  
 9 **TRATION SET-ASIDE.**

10 Section 104(a) of title 23, United States Code, is  
 11 amended in the first sentence by striking “not to exceed  
 12 3¾ per centum” and inserting “not to exceed 2 percent”.

13 **SEC. 13. EFFECTIVE DATE; APPLICABILITY; CERTAIN UNOB-**  
 14 **LIGATED BALANCES.**

15 (a) **IN GENERAL.**—This Act and the amendments  
 16 made by this Act shall take effect on the date of enactment  
 17 of this Act.

18 (b) **APPLICABILITY.**—This Act and the amendments  
 19 made by this Act—

20 (1) except as otherwise specifically provided,  
 21 shall apply to funds authorized to be appropriated or  
 22 made available after September 30, 1997; and

23 (2) except as otherwise provided in subsection  
 24 (c), shall not apply to funds appropriated or made  
 25 available on or before September 30, 1997.

26 (c) **UNOBLIGATED BALANCES.**—

(1) IN GENERAL.—Unobligated balances of funds apportioned to a State under sections 104(b)(2), 104(b)(4), 104(b)(5), 144(e), and 157 of title 23, United States Code, and sections 1013(c), 1069, and 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) before October 1, 1997, shall be available for obligation in the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on September 30, 1997.

(2) TRANSFERABILITY.—

(A) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—A State may transfer unobligated balances of funds apportioned to the State before October 1, 1997, for the congestion mitigation and air quality improvement program under section 104(b)(2) of title 23, United States Code (as in effect on the day before the date of enactment of this Act) to the apportionment of the State under section 104(b)(3) of title 23, United States Code.

(B) INTERSTATE CONSTRUCTION AND INTERSTATE MAINTENANCE PROGRAMS.—A

1 State may transfer unobligated balances of  
2 funds apportioned to the State before October  
3 1, 1997, for the Interstate construction pro-  
4 gram under section 104(b)(5)(A) of title 23,  
5 United States Code (as in effect on the day be-  
6 fore the date of enactment of this Act) or the  
7 Interstate maintenance program under section  
8 104(b)(5)(B) of title 23, United States Code  
9 (as in effect on the day before the date of en-  
10 actment of this Act) to the apportionment of  
11 the State under section 104(b)(1) of title 23,  
12 United States Code.

13 (C) BRIDGE REPLACEMENT AND REHA-  
14 BILITATION PROGRAM.—A State may transfer  
15 unobligated balances of funds apportioned to  
16 the State before October 1, 1997, for the bridge  
17 replacement and rehabilitation program under  
18 section 144 of title 23, United States Code (as  
19 in effect on the day before the date of enact-  
20 ment of this Act) to the apportionment to the  
21 State under paragraph (1) or (3) of section  
22 104(b) of title 23, United States Code.

23 (D) SURFACE TRANSPORTATION PRO-  
24 GRAM.—A State may transfer unobligated bal-  
25 ances of funds apportioned to the State before

1           October 1, 1997, for the surface transportation  
2           program under section 104(b)(3) of title 23,  
3           United States Code (as in effect on the day be-  
4           fore the date of enactment of this Act) to the  
5           apportionment of the State under section  
6           104(b)(3) of title 23, United States Code.

7           (E) APPLICABILITY OF CERTAIN LAWS.—  
8           Funds transferred under this paragraph shall  
9           be subject to the laws (including regulations,  
10          policies, and procedures) relating to the appor-  
11          tionment to which the funds are transferred.

○